IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 23RD NOVEMBER 2006 / 2ND AGRAHAYANA 1928

Bail Appl..No. 6907 of 2006()

CRIME NO. 281 OF 2006 OF KUMBALA POLICE STATION

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: PETITIONERS/ACCUSED

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1. PRABHU PRAKASH D'SOUZA,
   AGED 29 YEARS, S/O.HENDRY D'SOUZA,
   RESIDING AT MOODAMBAIL VILLAGE AND P.O.,
   KASARGOD DISTRICT.

2. SURAJ D. D'SOUZA, AGED 19 YEARS,
   S/O.MOURIS D'SOUZA, ARCHAR HOUSE,
   MOODAMBAIL VILLAGE AND P.O., KASARGOD DISTRICT.

BY ADV. SRI.SURESH KUMAR KODOTH

RESPONDENTS: STATE

STATION HOUSE OFFICER,
KUMBALA POLICE STATION THROUGH PUBLIC
PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 23/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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Bail Application NO. 6907 of 2006

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DATED: 23-11--2006

O R D E R

In this Petition filed under Sec. 439 Cr.P.C. the petitioners who are the accused in Crime No.281 of 2006 of Kumbala Police Station for an offence punishable under Sec. 8(2) of the Abkari Act, for having been found transporting of 3000 packets of each containing 100 ml. of Karnataka arrack on 2-10-2006, seek their enlargement on bail.

2. I heard the learned counsel for the petitioners and the learned Public Prosecutor. The learned Public Prosecutor opposed the application.

3. I am not satisfied that both the grounds enumerated under Clause (b)(ii) of Sec. 41 A of the Abkari Act are present in this case so as to justify the release of the petitioners on bail.

This Application is accordingly dismissed.

Sd/- V.RAMKUMAR,
JUDGE.

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